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Before the  
Federal Communications Commission  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	MM Docket No. 92-227
Amendment of Section 73.202(b),	)	
Table of Allotments,	)	RM-8070
FM Broadcast Stations	)	RM-8072
	)	
(Eatonton, Sparta, Fayetteville,	)	
Greenville, Griffin, Hogansville,	)	
Sparta, and Thomaston, Georgia;	)	
and Ashland, Alabama)	)	

To: Chief, Allocations Branch

**COMMENTS OF GOOD MEDICINE RADIO, GA, INC AND DESIGN MEDIA, INC.  
AND COMMENTS AND COUNTERPROPOSAL OF T. WOOD AND ASSOCIATES**

SUMMARY

These are the comments of Good Medicine Radio, Inc., licensee of Station WSKS(FM), Sparta, Georgia and Design Media, Inc., licensee of Station WQUL(FM), Griffin, Georgia, and the comments and counterproposal of T. Wood and Associates, Inc., permittee of Station WEIZ(FM), Hogansville, Georgia. As seen herein, a proposal has been devised whereby both proposals under consideration in this proceeding can be adopted, while permitting Station WEIZ(FM), Hogansville, Georgia, also to achieve an upgrade to Class C3. As also demonstrated herein, in the event the counterproposal can not be adopted, adoption of the GMR/DMI proposal would provide vastly superior public interest benefits by bringing new first local service, new first local full time service, improved Class A service, and service to increased areas by two new Class C3 facilities. For this reason, GMR and DMI's proposal should be granted.

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To: Chief, Allocations Branch

**COMMENTS OF GOOD MEDICINE RADIO, GA, INC AND DESIGN MEDIA, INC.  
AND COMMENTS AND COUNTERPROPOSAL OF T. WOOD AND ASSOCIATES**

Good Medicine Radio, GA, Inc. ("GMR"), licensee of Station WSKS(FM), Sparta, Georgia, and Design Media, Inc. ("DMI"), licensee of Station WQUL(FM), Griffin, Georgia, by their attorneys, hereby submit their comments with respect to the Notice of Proposed Rule Making and Order to Show Cause, DA 92-1306 (Chief, Allocations Branch, Oct. 23, 1992) ("NPRM"), issued in this proceeding.

Further, T. Wood and Associates, Inc. ("Wood"), permittee of Station WEIZ(FM), Hogansville, Georgia, hereby also submits its comments with respect to the NPRM, and submits a counterproposal which will allow it to upgrade its authorized channel of operation from Channel 248A to Channel 251C3, while eliminating the conflict between the proposals being examined in this proceeding and allowing for the improvement the number of persons that can be served by an additional station which is being included in the counterproposal (Station WUAF, Ashland, Alabama). With respect thereto, the following is stated:

## I. Background

GMR has requested substitution of its channel of operation from Channel 249A to Channel 249C3, and for the Channel to be reallocated to Eatonton, Georgia, and DMI has requested substitution of its channel of operation from Channel 249A to Channel 248C3, and the reallocation of the channel to Fayetteville, Georgia. To accommodate these requests, it also has been requested that the Commission substitute Channel 239A for Channel 248A at Hogansville, Georgia; Channel 237A for Channel 239A at Greenville, Georgia; Channel 238A for Channel 237A at Ashland, Georgia; and Channel 266A for Channel 237A at Thomaston, Georgia. These proposed changes would necessitate the modification of the construction permit of WEIZ(FM), Hogansville, Georgia, to specify Channel 239A; the modification of the construction permit issued to Station WEJG(FM), Greenville, Georgia to specify Channel 237A; the modification of the license held by WASZ(FM), Ashland, Alabama to specify Channel 238A<sup>1</sup>; and the modification of the license held by Station WTGA-FM, Thomaston, Georgia, to specify Channel 266A.

Alternatively, Orchon Broadcasting Company ("Orchon"), permittee of Station WEJG(FM), Greenville, Georgia, has requested the upgrade of its channel from Channel 239A to Channel 239C3.

The Commission has deemed these proposals to be mutually-exclusive (NPRM ¶ 1), and has requested comment on which of the two

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<sup>1</sup> It is noted that in paragraph 4 of the NPRM WASZ incorrectly was referred to as located in "Thomaston, Georgia" rather than "Ashland, Alabama," and in paragraph 12 of the NPRM WASZ was incorrectly asked to Show Cause why its license should be modified to specify "Channel 266A" rather than "Channel 238A."

proposals should be adopted. NPRM ¶ 6.

## II. Wood's Counterproposal

A technical analysis has been undertaken of the two options adopted for comment by the Commission in the NPRM, and it has been determined that the proposals both can be adopted by the Commission, in the public interest, with a slight modification of the proposed amendment to the Table of Allotments.

Based upon precise proposal submitted by DMI and GMR (which is one of the proposals that have been advanced in the NPRM), DMI and GMR on one hand, and Orchon on the other, cannot both achieve their desired upgrades due to proposed presence of Station WEIZ on Channel 239A. As seen in the attached Technical Statement, Wood, the holder of WEIZ's construction permittee, has offered a means by which DMI, GMR, and Orchon all can achieve their upgrades, while allowing two additional stations to improve proposed service to the public at their current transmitter sites.

Station WEIZ (which currently is allotted Channel 248A) can be moved and upgraded to Channel 251C3 (in lieu of proposed Channel 239A) by moving Station WUAF, Valley, Alabama, from Channel 251A to Channel 237A. These proposed modifications can be made in full accordance with the Commission's spacing rules and policies. WUAF provisionally has agreed to this modification of its authorized channel of operation. These additional changes clear the way for Orchon's proposed amendment of the Table of Allotments (to specify Channel 239C3 in lieu of Channel 239A at Greenville, Georgia) to be adopted, with only slightly different reference

coordinates than those contemplated by Orchon.

GMR and DMI hereby support Wood's counterproposal, and together with Wood present the following analysis to demonstrate that grant of their proposal, as modified by Wood's counterproposal, will result in a preferential arrangements of allotments, in furtherance of the Section 307(b) of the Communications Act of 1934, as amended, and the Commission's rules and policies.

a) Public Interest Benefits

The Commission's has an established allotment criteria which was set forth initially in Revision of FM Assignment Policies and Procedures, 90 F.C.C.2d 88 (1982), which set forth the following allotment priorities:

- (1) first full-time aural service
- (2) second full-time aural service
- (3) first local service
- (4) other public interest matters;

Co-equal weight is given to priorities (2) and (3). When a station is seeking to upgrade its facilities' allotment, as part of its analysis of "other public interest matters," the Commission considers the extent to which proposed changes to the Table of Allotments will provide for the ability of a station to provide service to an expanded population (Greenup, KY, and Athens, OH, 2 FCC Rcd 4319, 4321 (Chief, Policy and Rules Div. 1989)) or first full-time local service (Implementation of MM Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments, 49 Fed Reg.

11,214 ¶ 14 (March 14, 1984)) using the fourth of the Commission's allotment priorities. Finally, petitioners seeking a change in the community of license of an allotment must demonstrate that approval of the proposal will result in a preferential arrangement of allotments. Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870, 4873 ¶ 25 (1989), recon. denied in relevant part, 5 FCC Rcd 7094 (1990).

GMR and DMI have proposed to substitute upgraded channels for their current channels of operation. To accommodate that proposal, GMR and DMI have proposed to modify the frequencies of operation of two existing licenses and two outstanding construction permits. DMI and GMR have received consents from Station WEIZ and Station WTGA-FM for the proposed substitutions. See Petition, Attachment 2. Since the proposal requires only two stations to change frequencies that already have not already agreed to do so, the GMR/DMI proposal is in accord with the Commission's channel substitution policy. Castle Rock, Colorado Springs, Frisco, and Salida, Colorado; Raton, New Mexico, DA 92-1502, ¶ 7 (Chief, Allocations Branch, Nov. 25, 1992).<sup>2</sup>

Moreover, the GMR/DMI proposal, as modified by the instant Wood counterproposal allows for the continued use of the WUAF(FM) authorized transmitter site. Technical Statement at ¶

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<sup>2</sup> Wood is proposing only one change of channel of operation. WUAF has provisionally agreed to that change of frequencies. Therefore, its counterproposal also is in accord with the Commission's policies.

11. Although the channel substitutions proposed for Stations WTGA-FM, Thomaston, Georgia and that originally proposed for WEIZ(FM), Hogansville, Georgia, will require site modifications, those stations consented to the proposed modifications. Petition, Attachment 2.<sup>3</sup> Therefore, there will not be any "forced relocation" of any station which would be prohibited under the Commission's rules. Cf. North Charleston, SC, 47 Fed. Reg. 10560 (March 11, 1982).

GMR and DMI hereby reiterate their intentions to reimburse Station WASZ for the reasonable costs associated with the grant of the proposed change of frequencies, and to reimburse Station WTGA-FM for the costs associated with the proposed change of frequencies and costs of relocation necessitated by the grant of the proposals.<sup>4</sup> Since adoption of the counterproposal will allow Station WEJG to achieve a desired upgrade, in the event Orchon supports this counterproposal, it is our understanding that Orchon

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<sup>3</sup> Similarly, the original GMR/DMI proposal allowed for the continued use of the authorized WEJG transmitter site.

<sup>4</sup> Since through the adoption of the Wood counterproposal, it will be possible for Orchon's own proposal for change of channels (and concomitant upgrade of channel of operation) to occur (with only slight different reference coordinates), it should be determined that DMI and GMR would have no responsibility to provide any reimbursement to Orchon for the effectuation of its proposal in the event the Wood counterproposal is adopted. Similarly, since through the adoption of the Wood counterproposal it will be possible for Wood's own proposal for change of channels (and concomitant upgrade of channel of operation) to occur, since it no longer will be necessary for GMR/DMI's original proposed channel change for WEIZ to occur. it should be determined that DMI and GMR would have no responsibility to provide any reimbursement to Wood for the effectuation of its proposal in the event the Wood counterproposal is adopted.

also will be required to share in the costs of reimbursement to WUAF for the required change of frequency. Wood hereby states its intention to reimburse Station WUAF, Valley, Alabama, for the whatever is deemed to be its portion of the reasonable costs associated with the grant of the proposed change of frequencies in the event its counterproposal is adopted.<sup>5</sup>

Adoption of the GMR/DMI/Orchon proposals, as modified by the Wood counterproposal, will provide the following public interest benefits.

**1) First Local Service (Allotment Priority 3) and First Full-Time Local Service (Allotment Priority 4)**

Adoption of GMR/DMI's proposal will allow GMR to provide first full-time local service (Allotment Priority 4) to Eatonton, Georgia and a first competitive daytime service (Allotment Priority 4), as well.<sup>6</sup> Adoption of GMR/DMI's proposal also will allow DMI to provide first local service<sup>7</sup> (Allotment Priority 3) to Fayetteville, Georgia.

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<sup>5</sup> WUAF, however, is as yet an unbuilt station. Since it is not an operating station, the costs associated with the change of frequencies will consist almost entirely of those incident to preparing and filing an application (FCC Form 301) requesting a change of frequency of operation. It is possible that even that application will not be needed. In Pacific Grove and Soledad, CA, 5 FCC Rcd 6700 (Ass't Chief, Policy and Rules Div. 1990), the construction permit of an unlicensed station was simply modified in the course of the rule making proceeding to specify the new channel of operation (to accommodate an adjacent channel upgrade proposal similar to that involved here) without the prior filing of an FCC Form 301. It is respectfully requested that this procedure be followed in this proceeding.

<sup>6</sup> The only station currently licensed to Eatonton is AM daytime-only station WKVQ(AM).

<sup>7</sup> Fayetteville currently has no local service.

Additionally, Eatonton is not currently served by WSKS(FM). Technical Statement, Exhibit 10. Moreover, although Fayetteville is the County seat of Fayette County, it does not currently have licensed to it its own station, and Fayetteville does not already receive service from WQUL. Technical Statement, Exhibit 8. Thus, unlike the situation in Van Wert, OH and Monroeville, IN, 7 FCC Rcd 6519, 6520 ¶ 11 (Chief, Allocations Branch 1992), where stations had the ability already to provide service to the new proposed community even without grant of the proposed community change, adoption of this proposal will allow WQUL and WSKS truly to provide new first local and new first full-time local service, respectively, to two communities.

In neither case will adoption of the proposal result in present communities of allotment being deprived of service. Sparta, Georgia, the current community served by Station WSKS(FM), will continue to be served by Station WHAN(FM), which is a full-time station licensed to Sparta, Georgia. Griffin, Georgia, the current community served by WQUL, Griffin, Georgia, will continue to be served by daytime-only Station WHIE(AM), Griffin, Georgia, and full-time Station WKUE(AM), Griffin, Georgia. Thus, neither the proposed deletion of Channel 249A from Sparta nor the proposed deletion of Channel 249A from Griffin will deprive either community of their sole local full-time aural transmission service. Hampton and Petersburg, IA, DA 92-1419 (Chief, Allocations Branch, Nov. 19, 1992). Additionally, as seen in the attached Technical Statement following the upgrade and reallocation, WSKS will continue to

provide 60 dBu service to Sparta, its former community of license, and WQUL will continue to provide 60 dBu service to Griffin, its former community of license. Technical Statement, Exhibits 7 and 9. Thus, unlike the case of Blackville, Branchville, Estill, Georgetown, Kiawah Island, Moncks Corner, and Walterboro, SC, and Richmond Hill, GA, 7 FCC Rcd 6522, ¶ 3 (Chief, Allocations Branch 1992), where a proposed reallocation was denied, the stations' existing communities will continue to receive service from the petitioners' stations even following grant and effectuation of the proposed reallocations.

Neither Sparta nor Eatonton, nor Griffin or Eatonton, are within any Urbanized Areas. Thus, both proposed reallocations will result in a preferential arrangement of allotments, and are in accord with the Commission's rules and policies. Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd at 4873 ¶ 25; Hampton and Parkersburg, IA, DA 92-1419 (Chief, Allocations Branch, Nov. 19, 1992); Scotland Neck and Pinetops, NC, 7 FCC Rcd 5113 ¶ 4 (Chief, Allocations Branch 1992) (where new community is not located in Urbanized Area, proposal would not be credited with services licensed to adjacent Urbanized Area).

**2) Upgrade of Channels and Other Expanded Service  
(Allotment Priority 4)**

**(a) Upgrade of Station WEJQ**

As seen in the attached Technical Statement, Orchon's proposal to upgrade its permit from Class A to Class C3 at the site proposed in Wood's counterproposal will allow Orchon to serve an

additional 85,785 persons. Technical Statement at ¶ 16. In contrast, adoption of Orchon's proposal from its requested reference coordinates would allow for an increase in service by Orchon to only a population of 74,293 persons. Technical Statement at ¶ 13. Therefore, adoption of Wood's instant counterproposal furthers Allotment Priority Four (other public interest matters) by allowing Orchon to serve both 85,785 additional persons, and represents a superior proposal to that proposed by Orchon in its own proposal (RM-8070) since it allows Orchon to serve 11,492 more persons than that which would result from adoption of Orchon's original proposal.

**(b) Upgrade of Station WSKS**

GMR's proposal for the substitution of Channel 249C3 for Channel 249A will allow GMR to provide service to an additional 55,466 persons. Petition, Attachment 1 at ¶ 23. This furthers Allotment Priority 4.

**(c) Upgrade of Station WOUL**

DMI's proposal for the substitution of Channel 248C3 for Channel 249A will allow DMI to provide service to an additional 744,796 persons. Petition, Attachment 1 at ¶ 23. This also furthers Allotment Priority 4.

**(d) Upgrade of Station WEIZ**

The proposal for the substitution of Channel 251C3 for Channel 248A at Hogansville, Georgia, will allow WEIZ(FM) for the first time to operate with maximum Class C3 facilities and provide potential service to an additional 51,932 persons over that which

would be provided by its present Class A facility. Technical Statement at ¶ 16. Moreover, this represents an increase of service to 42,819 persons over that would have been possible through adoption of the original GMR/DMI proposal (whereby WEIZ's allocation would be modified from Channel 248A to Channel 239A).

**(e) Improvement of Service Provided By Station WASZ**

The proposal for the substitution of Channel 238A for Channel 237A will allow Station WASZ for the first time to operate with maximum Class A facilities and provide service to an additional 7,108 persons (Technical Statement at ¶ 14), and eliminates a grandfathered short-spacing with Station WSRM(FM), Coosa, Georgia. These improvements in existing service and allotments both further Allotment Priority 4.

**(f) Improvement of Service Provided by Station WTGA-FM**

The proposal for the substitution of Channel WTGA-FM, Thomaston, Georgia, will allow WTGA-FM to operate as a full 6 kW Class A facility, improving its predicted population coverage over its current coverage by 9,907 persons. Technical Statement at ¶ 15.<sup>8</sup> This furthers Allotment Priority 4.

**(g) Improvement of Service to be Provided by Station WUAF**

Finally, adoption of the DMI/GMR/Orchon proposal as modified by the Wood counterproposal will allow for the improvement of Station WUAF, Valley, Alabama, by eliminating grandfathered short-spacings with Station WAGH(FM), Ft. Mitchell, Alabama, and

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<sup>8</sup> Although WTGA-FM has the ability to go to 6 kW on its current channel, it has not yet gone to full power on that channel.

WEIZ(FM), Hogansville, Georgia, and allowing Station WUAF to operate with full Class A 6 kW facilities, thereby allowing Station WUAF to serve an additional 10,189 persons with no change required in its authorized transmitter site. Technical Statement at ¶ 17. These matters both further Allotment Priority 4.

### 3) Summary

Adoption of Wood's counterproposal will allow for the total resolution of the conflict in this proceeding, while allowing for additional improved service. In total, it will allow for new first service to one community, new first full-time service to another community, eliminate two currently authorized grandfathered short-spacings, allow for four stations to upgrade from Class A to Class C3, and allow for the ability to provide improved service by three existing or authorized stations by providing new service to a total of 965,183 persons.

Finally, adoption of this proposal, as modified by Wood's counterproposal, eliminates the need for the Commission to resolve a previous proceeding that was initiated to upgrade Channel 249A, Sparta, Georgia, and Channel 249A, Griffin, Georgia (MM Docket No. 90-309),<sup>9</sup> thereby conserving Commission and public resources and allowing for the more prompt commencement of improved service by

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<sup>9</sup> Petitions for initiation of a rulemaking proceeding for consideration of the upgrade of the channels previously were granted by the Commission (Notice of Proposed Rule Making, 5 FCC Rcd 3769 (Chief, Allocations Branch 1990)) and comments were accepted with regard to the proposals. By Report and Order, 6 FCC Rcd 4863 (Chief, Allocations Branch 1991), the FCC declined to adopt the proposals, and instead adopted a counterproposal to allot Channel 288A to Bowdon, Georgia. A petition for reconsideration of that action currently is pending.

Stations WQUL and WSKS.

Accordingly, it is respectfully asserted that adoption of this proposal/counterproposal is overwhelmingly in the public interest.

**III. In the Event the Wood Counterproposal is Not Adopted, the DMI/GMR Proposal Should Be Adopted by the Commission**

In the event it is not possible for the Commission to accept or adopt Wood's counterproposal, GMR and DMI hereby reiterate their support of their initial proposal, and present the following analysis to demonstrate that grant of their proposal will result in a preferential arrangements of allotments, in furtherance of the Section 307(b) of the Communications Act of 1934, as amended, and the Commission's rules and policies.

**a) Orchon's Proposal**

As seen in the attached Technical Statement, adoption of Orchon's specific proposal to upgrade its permit from Class A to Class C3 will allow Orchon to serve an additional 74,293 persons. Technical Statement at ¶ 23. An analysis has been undertaken of the gain area, and it has been confirmed that gain area already is well served and that grant of Orchon's proposal would not result in Orchon's providing any first full-time aural service (Allotment Priority 1) or second full-time aural service (Allotment Priority 2). Technical Statement at ¶ 22 and n.3. No change of community of license has been proposed -- therefore, grant of Orchon's proposal will not result in the provision of any first local service (Allotment Priority 3). Accordingly, the only public interest benefits inherent in the adoption of Orchon's specific

proposal would be to provide Orchon with the ability to provide service to an expanded, well-served area encompassing only 74,293 additional persons (Allotment Priority 4).

**b) GMR's and DMI's Proposals**

GMR's and DMI's proposals are mutually exclusive. Therefore, they will be analyzed together.

**1) First Local Service (Allotment Priority 3) and First Full-Time Local Service (Allotment Priority 4)**

As noted above, adoption of GMR/DMI's proposal will allow GMR to provide first full-time local service (Allotment Priority 4) to Eatonton, Georgia and a first competitive daytime service (Allotment Priority 4), as well.<sup>10</sup> Adoption of GMR/DMI's proposal also will allow DMI to provide first local service<sup>11</sup> (Allotment Priority 3) to Fayetteville, Georgia. Eatonton is not currently served by WSKS(FM), and Fayetteville does not already receive service from WQUL. Thus, adoption of this proposal will allow WQUL and WSKS truly to provide new first local and new first full-time local service, respectively, to two communities. Cf. Van Wert, OH and Monroeville, IN, 7 FCC Rcd 6519, 6520 ¶ 11 (Chief, Allocations Branch 1992). In neither case will adoption of the proposal result in present communities of allotment being deprived of service.<sup>12</sup> Additionally, following the upgrade and

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<sup>10</sup> The only station currently licensed to Eatonton is AM daytime-only station WKVQ(AM).

<sup>11</sup> Fayetteville currently has no local service.

<sup>12</sup> Sparta, Georgia, the current community served by Station WSKS(FM), will continue to be served by Station WHAN(FM), which is a full-time station licensed to Sparta, Georgia. Griffin,

reallotment, WSKS will continue to provide 60 dBu service to Sparta, its former community of license, and WQUL will continue to provide 60 dBu service to Griffin, its former community of license.

Technical Statement at Exhibits 7 and 9. Cf. Blackville, Branchville, Estill, Georgetown, Kiawah Island, Moncks Corner, and Walterboro, SC, and Richmond Hill, GA, 7 FCC Rcd 6522, ¶ 3 (Chief, Allocations Branch 1992).

Since neither Sparta nor Eatonton, nor Griffin or Eatonton, are within any Urbanized Areas, both proposed reallotments will result in a preferential arrangement of allotments, and are in accord with the Commission's rules and policies. Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd at 4873 ¶ 25; Hampton and Parkersburg, IA, DA 92-1419 (Chief, Allocations Branch, Nov. 19, 1992).

**2) Upgrade of Channels and Other Expanded Service  
(Allotment Priority 4)**

GMR's proposal for the substitution of Channel 249C3 for Channel 249A will allow GMR to provide service to an additional 55,466 persons. DMI's proposal for the substitution of Channel 248C3 for Channel 249A will allow DMI to provide service to an additional 744,796 persons. The proposal for the substitution of

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Georgia, the current community served by WQUL, Griffin, Georgia, will continue to be served by daytime-only Station WHIE(AM), Griffin, Georgia, and full-time Station WKUE(AM), Griffin, Georgia. Thus, neither the proposed deletion of Channel 249A from Sparta nor the proposed deletion of Channel 249A from Griffin will deprive either community of their sole local full-time aural transmission service. Hampton and Petersburg, IA, DA 92-1419 (Chief, Allocations Branch, Nov. 19, 1992).

Channel 239A for Channel 248A at Hogansville, Georgia, will allow WEIZ(FM) for the first time to operate with maximum Class A facilities and provide service to an additional 9,113 persons. The proposal for the substitution of Channel 238A for Channel 237A at Ashland, Alabama will allow Station WASZ for the first time to operate with maximum Class A facilities and provide service to an additional 7,108 persons. Petition, Attachment 1 at ¶¶ 23-25. The proposal for the substitution of Channel 266A for Channel 237A at Thomaston, Georgia will enable Station WTGA-FM to operate as a full 6 kW facility and serve an additional 9,907 persons over that which it currently serves. Technical Statement at ¶ 15.

Thus, GMR's and DMI's proposal will allow for the provision of new, expanded service (Allotment Priority 4) to increased areas with populations of 826,390 persons.

### 3) Analysis

New first local service, such as that included in the DMI/GMR proposal, is favored by the Commission over simply service to an increased, well-served population. See, e.g., Homerville, Lakeland, and Statenville, GA, 6 FCC Rcd 5802, 5804 ¶ 11 (Ass't Chief, Allocations Branch 1991). Thus, GMR/DMI's proposal should be adopted over Orchon's proposal for that reason alone. Moreover, even if DMI/GMR's proposal did not include new first local service, in comparing two proposals with simple population improvements in service, the Commission favors proposals that propose the greatest population increase. Greenup, KY and Athens, OH, 6 FCC Rcd 1493, 1495 ¶ 12 (1991). DMI/GMR's proposal allows for new improved

service to 111.2% more persons than that contemplated by Orchon's proposal. Technical Statement at ¶ 24. Therefore, under any conceivable analysis, DMI/GMR's proposal prevails over Orchon's proposal.<sup>13</sup>

Adoption of GMR/DMI's proposal over than of Orchon also will have the added benefit of resolving MM Docket No. 90-309, and allowing for the swifter commencement of improved service to the public by Station WSKS(FM), Sparta, Georgia, and WQUL(FM), Griffin, Georgia. See, page 12 and n.8, supra.

WHEREFORE, it is respectfully requested that the proposal of Design Media, Inc. and Good Medicine Radio, GA, Inc., for substitution of Channel 249C3, Eatonton, GA for Channel 249A, Sparta, Georgia; substitution of Channel 248C3, Fayetteville, GA for Channel 249A, Griffin, Georgia; substitution of Channel 238A for Channel 237A at Ashland, Georgia; and substitution of Channel

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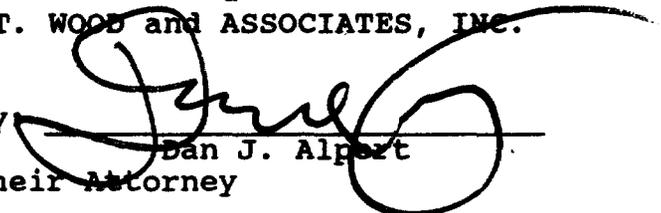
<sup>13</sup> In the event this proposal is adopted, DMI and GMR reiterate their commitment to reimburse Station WEJG and Station WASZ for the reasonable costs associated with the grant of the proposed changes of frequencies, and Station WEIZ and Station WTGA-FM for the costs associated with the proposed change of frequencies and costs of relocation necessitated by the grant of their proposals.

However, WEJG is an unbuilt station. Since it is not an operating station, the costs associated with the change of frequencies will consist almost entirely of those incident to preparing and filing an application (FCC Form 301) requesting a change of frequency of operation. It is possible that even that application will not be needed. In Pacific Grove and Soledad, CA, 5 FCC Rcd 6700 (Ass't Chief, Policy and Rules Div. 1990), the construction permit of an unlicensed station was simply modified in the course of the rule making proceeding to specify the new channel of operation (to accommodate an adjacent channel upgrade proposal similar to that involved here) without the prior filing of an FCC Form 301. It is respectfully requested that this procedure be followed in this proceeding.

266A for Channel 237A at Thomaston, Georgia; the proposal of Orchon Broadcasting, Inc. for substitution of Channel 239C3 for Channel 239A at Greenville, Georgia (with reference coordinates 33° 01' 11" N, 84° 46' 06" W); and the counterproposal for substitution of Channel 251C3 for Channel 248A at Hogansville, Georgia and the proposed substitution of Channel 237A for Channel 251A at Valley, Alabama, all be granted. Alternatively, it is respectfully requested that the proposal of Design Media, Inc. and Good Medicine Radio, GA, Inc., for substitution of Channel 249C3, Eatonton, GA for Channel 249A, Sparta, Georgia; substitution of Channel 248C3, Fayetteville, GA for Channel 249A, Griffin, Georgia; substitution of Channel 239A for Channel 248A at Hogansville, Georgia; substitution of Channel 237A for Channel 239A at Greenville, Georgia; substitution of Channel 238A for Channel 237A at Ashland, Georgia; and substitution of Channel 266A for Channel 237A at

Thomaston, Georgia, be granted, and the proposal of Orchon Broadcasting, Inc. for substitution of Channel 239C3 for Channel 239A at Greenville, Georgia, be denied.

Respectfully submitted,  
GOOD MEDICINE RADIO, GA, INC.  
&  
DESIGN MEDIA, INC.  
&  
T. WOOD and ASSOCIATES, INC.

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December 14, 1992

COMMENTS AND COUNTERPROPOSAL  
MM DOCKET #92-227  
DESIGN MEDIA, INC.  
GOOD MEDICINE RADIO GEORGIA, INC.  
T. WOOD AND ASSOCIATES, INC.  
NUMEROUS COMMUNITIES IN THE STATES OF  
GEORGIA AND ALABAMA  
December 1992

Technical Exhibit

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Bromo Communications, Inc.  
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COMMENTS AND COUNTERPROPOSAL  
MM DOCKET #92-227  
DESIGN MEDIA, INC.  
GOOD MEDICINE RADIO GEORGIA, INC.  
T. WOOD AND ASSOCIATES, INC.  
NUMEROUS COMMUNITIES IN THE STATES OF  
GEORGIA AND ALABAMA  
December 1992

TECHNICAL STATEMENT

1. These comments and attached exhibits were prepared jointly on behalf of Design Media, Inc. ("DMI"), licensee of WQUL, Channel 249A, Griffin, Georgia, Good Medicine Radio Georgia, Inc. ("GMR"), licensee of WSKS, Channel 249A, Sparta, Georgia, and T. Wood and Associates, Inc. ("Wood"), permittee of WEIZ, Channel 248A, Hogansville, Georgia. These comments and counterproposals are filed in MM Docket #92-227 and provide a means to accommodate both the mutually exclusive proposals presently before the Commission for consideration.

BACKGROUND

2. DMI and GMR are two of three original petitioners in the above referenced docket. DMI has requested that Channel 248C3 be allotted to Fayetteville, Georgia, in substitution for Channel 249A at Griffin, Georgia. GMR has requested that Channel 249C3 be allocated to Eatonton, Georgia, in substitution for Channel 249A at Sparta, Georgia. In both cases, the petitioners have requested the authorizations for WQUL and WSKS be changed to specify the upgraded channel and the new community of license.

3. In order to effectuate the changes at Griffin/Fayetteville and Sparta/Eatonton, the petitioners requested that Channel 239A be substituted for Channel 248A at Hogansville, Georgia, and that the outstanding construction permit for WEIZ be modified to specify the new channel. Further, the parties requested that Channel 237A be allocated to Greenville, Georgia, in substitution for Channel 239A and that the outstanding construction permit for WEJG be modified to specify the new frequency. Additionally, the petitioners requested that Channel 238A be substituted for Channel 237A at Ashland, Alabama, and that WASZ be ordered to change channels. Finally, that Channel 266A be substituted for Channel 237A at Thomaston, Georgia, and that WTGA-FM be ordered to change channels. The specific geographic coordinate information for each of these proposals was forwarded in DMI and GMR's initial Petition for Rule Making. This information is incorporated herein by reference.

4. The petitioners have a letter of agreement in place with the licensee of WTGA-FM, since the substitution of channel at Thomaston, Georgia, potentially requires the relocation of the WTGA transmitter site. Further, an agreement is in place with the permittee of WEIZ at Hogansville, Georgia, to relocate its transmitter site in order to effectuate the substitution there. The remaining two substitutions were requested without prior notice to either the Ashland, Alabama, licensee or the Greenville, Georgia, permittee.

5. When the Commission issued its Notice of Proposed Rule Making (NPRM) in Docket 92-227, in addition to the DMI and GMR requests, the Commission also requested comments concerning a proposed upgrade at Greenville, Georgia. This request was filed by Orchon Broadcasting Company ("Orchon"), the permittee of WEJQ at Greenville, Georgia. Orchon requests the substitution of Channel 239C3 for Channel 239A. The notice stated that the proposal of DMI & GMR conflicted with the Orchon proposal. The conflict is due to the proposed utilization of Channel 239. DMI & GMR proposed Channel 239A as a substitute channel at Hogansville, Georgia, which is mutually exclusive with the proposed C3 allotment of Channel 239 at Greenville, Georgia. Hogansville and Greenville are 25.0 kilometers apart, whereas the Commission's §73.207 spacing requirements require co-channel Class A and C3 facilities to be spaced by a minimum of 142.0 kilometers. Therefore, in its notice, the Commission proposed the Orchon upgrade as Option 1 and the DMI & GMR proposal as Option 2.

#### DISCUSSION AND COUNTERPROPOSAL

6. Wood hereby proposes use of an alternative channel and a counterproposal which will enable each of these parties presently participating in the proceeding to receive an upgrade to their respective facilities, in addition to allowing the proposed Orchon upgrade at Greenville. DMI &